

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Shapiro-Ilan et al.

Docket No. 0070.03

Art Unit: 1615

Serial No. 10/726,479

Examiner: Neil S. Levy

Filed: December 4, 2003

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For: Application of Entomopathogenic Nematode-Infected Cadavers
from Hard-bodied Arthropods for Insect SupressionPETITION FOR EXTENSION OF TIME

Applicants hereby petition for a One month extension of time to respond to the Office Action with a mail date of April 9, 2007, thereby extending the period of response to June 11, 2007, since June 9 falls on a Saturday. Please charge the \$120.00 fee / for said extension to account 50-2134.

ELECTION WITH TRAVERSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the requirement for restriction under 35 § USC 121, dated April 09, 2007, Applicants hereby elect with traverse the invention of group I, claims 1-3 drawn to Compositions, classified in class 424, subclass 93.

05/14/2007 TL0111 00000051 502134 10726479

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Applicants hereby elect with traverse, the arthropod species as required by the Office: *Tenebrio molitor*. Claims 1-6 are readable on this species.

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TRAVERSE

It is respectfully pointed out that, according to MPEP 803, in order for a restriction requirement to be proper, two criteria must be met:

- (1) the inventions must be independent or distinct as claimed, and
- (2) there must be a serious burden on the examiner if restriction is not required.

In the instant application, it is believed that a search for the biological composition comprising a pest reducing effective amount of formulated biological organism-infected hard-bodied arthropods, especially *Tenebrio molitor* would encompass the search for the method for reducing pests and/or microbials in agricultural, commercial, and urban environments comprising applying formulated biological organism-infected hard-bodied arthropod cadavers in amounts effective to reduce pests and/or microbials. Therefore, there would be no serious burden on the Examiner to search for the composition and method of using the composition since a search for the composition of the claimed invention would be expected to be found in the same reference as that disclosing the method of using the . The serious burden is on Applicant who will be required to pay multiple fees for multiple applications.

For these reasons, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the inventions comprising groups 1-II.

In the event this paper is deemed not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for such extension may be charged to Deposit Account 50-2134, along with any additional fees which may be required with respect to this paper.

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Respectfully Submitted,

May 11, 2007
DATE

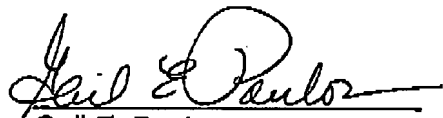


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cc:
D. Sharpiro-Ilan
K. Jones

CERTIFICATE OF FILING VIA FACSIMILE

The undersigned hereby certifies that the **ELECTION WITH TRAVERSE**, was this day, May 11, 2004 filed in the United States Patent and Trademark Office via facsimile to facsimile number 571-273-8300 Total Pages: 4


Gail E. Poulos